

# GOVERNOR'S COMMITTEE FOR THE PURCHASE OF COMMODITIES AND SERVICES FROM THE HANDICAPPED

## Minutes

March 31, 2004

Large Conference Room, F. Ray Power Building, Institute, WV

**Attendance:** Lee Dixon, Chair; Dennis Miller, Everett Sullivan, Donna Lipscomb, Linda Maniak, Scott Padon, Exec. Secretary; Brenda King, DRS

**WVARF Staff:** Steve King, Craig Greening, Ken Kennedy, Chris Miller

**Guests:** LuAnn Summers, Deana Thompson, Mark Kessler, Bob McCoy, Janice Holland, Marsha Allman, Liz Sampson, Carl Mayfield

The meeting began with comments from Janice Holland and Lee Dixon in honor of Steve King for his work at WVARF.

This special meeting of the Governor's Committee for the Purchase of Commodities and Services from the Handicapped was called to discuss the comments provided by different workshops.

Lee Dixon stated that the comment period is closed and visitors will be spectators in terms *of* deliberation. No new comments *will be* introduced.

Donna Lipscomb stated that although some comments are repeated several times by different individuals, she would like for the Committee to go over each letter and each comment individually, because she will have to respond to each one with the Secretary of State's office.

Janice Holland, Director of Division of Rehabilitation Services spoke to the group stating she believes that the Procedural Rules are a good idea and should be completed. The Committee does have the authority and a duty to monitor this program and most committees of this type have procedural rules. State code clearly gives the Committee authority to create procedural rules. The Legislative Rule needs to be revisited; however, this would not be the responsibility of the Committee. The Committee may help develop them and comment on them, but it is the State Agencies by which the money flows the Department of Administration and DRS –who would be responsible for this. Ms. Holland also stated that this is not an adversarial thing. This is being done to ensure the future of the State Use Program.

The Committee plans to revisit the letter from Janice Holland regarding the distribution of Pre-Sort Profits to CRPs in the next meeting.

It was agreed by the Committee that changes in the Legislative Rules –new language, clarification and the development of the Procedural Rules would help clarify matters and prevent the problems that have occurred in the past from happening again.

There is a concern by some on the Committee about intermingling of funds.

## **Discussion of Comments (Handout from March 17<sup>th</sup> Meeting):**

### **1. Letter from Deana Thompson, WVARF President .**

If there is a difference between the Legislative Rule and the Procedural Rule, the Legislative Rule would always take precedence. The Legislative Rule is second only to the statute.

Scott Padon clarified the difference between Legislative Rules and Procedural Rules. Legislative Rules are what you must do –second only to statute, which is the law; Procedural Rules are more detailed in how to go about doing that. Donna Lipscomb has checked with the Ethics Board and the Committee is not overstepping its bounds.

### **2. E-mail from Jan Smith, The Op Shop .**

Should Committee approve or review budget? It was felt that reviewing the budget rather than approving has not worked in the past.

Scott Padon stated that if the Committee only has the authority to review, and cannot make changes, this is a dangerous situation to be in. The budget could be reviewed by the Committee and then the CNA could do something completely different than what was agreed upon in the review at a later date. A review should be followed by an action. If no action is taken, a review doesn't serve any practical purpose.

It was not felt that an approval of the budget would be detrimental to the CNA. The Committee does not want to nitpick the budget, but feels that approval is needed to keep everyone accountable.

A vote was taken of whether to leave the wording as approved and was with 5 votes and 1 abstention by Lee Dixon in favor of “approved”.

### **3. Letter from Fred Hendershot, Hancock County Sheltered Workshop, Inc. .**

Issue already discussed.

### **4. Letter from Deana Thompson, WVARF President and Steve King, WVARF Executive Director .**

Issue already discussed.

### **5. Fax from Marsha Allman, Executive Director, Harrison County Sheltered Workshop; Chair, West Virginia State Rehabilitation Council, Inc. .**

The Committee spent 3 meetings working on the rules and a formal motion was made for Donna to file the Procedural Rules with the Secretary of State's Office.

The rules were put out for public comment as required by law. There were 2 comment periods and an extension was given.

The Committee's intent is not to nitpick or tell the membership what they can pay the office staff of the Association. The Committee needs to have some idea of salaries to know how much time is being used on Association duties versus State Use duties. Lee Dixon commented that there is a misconception. Some of the money used by the Association is for training to strengthen State Use.

Marsha Allman said these rules appear to be more like Legislative Rules rather than Procedural Rules –this issue has already been addressed in #1.

Donna Lipscomb went above and beyond what she legally had to do with procedural rules by mailing out a copy to the CRPs.

The comment period ending on January 22, 2004 was not planned to keep the members of the Association from discussing. An extension was provided.

It was never the intent of the Committee to control WVARF but to monitor it in its role as the CNA. The Committee only wants to be in compliance with the law and with fiduciary responsibilities.

#### **6. Letter from Rhonda Sharp, Executive Director, Jackson County Developmental Center, Inc.**

Performance standards should be developed before the budget so it could be worked into the budget if needed. This should be done in November since Chris Miller begins work on the budget in December.

An ongoing review with an annual summarial review will be conducted.

Financial statement fees need to be posted and audited separately. The Committee agrees with that and the procedural rules will take care of that with the approval of the budget.

No modifications will be made as rules clearly address concerns.

Lee Dixon who is a producing nonprofit workshop member abstains from voting on his own contracts.

#### **7. Letter from Bob McCoy, Executive Director, Randolph County Workshop**

Legislative Rules or Procedural Rules –this issue has already been addressed.

Number of days of comment period and mailing of packets has already been discussed.

The Procedural Rules are not related to any specific incidence. The terminology

for the title is standard and is used for a general stated purpose.

The Committee will have oversight over the revenues and expenses associated with the program fee – The Committee’s monitoring would encompass this.

Approval of budget –already discussed.

Will the Committee bear the costs of duplicate audits if an independent audit is requested? This would be addressed during the approval of the budget.

Emergency situation –No modification being made. Issue would be addressed during the budget process.

Fee issue –The reference number is incorrect. Donna will change this.

It is not the intention of the Committee to control or intimidate. No modification will be made.

A motion was made by Everett Sullivan to direct Donna Lipscomb to make the changes to the Procedural Rules. At the next Committee Meeting on April 26th, the Committee will go over these changes and have a formal vote. This motion was seconded by Dennis Miller. Motion was approved.

Lee Dixon thanked the membership for their input and told them the Committee valued their input.

Respectfully submitted by:  
Beverly Shamblin  
Secretary I  
WVDRS